



The Comptroller General
of the United States

Washington, D.C. 20548

Pietroavito

Decision

Matter of: Lewis & Michael, Inc., and United Moving and
Storage, Inc., A Joint Venture
File: B-231163
Date: May 17, 1988

DIGEST

1. Protest initially filed with contracting agency is dismissed as untimely when filed at the General Accounting Office more than 10 working days after protester received notice that contracting agency denied firm's agency-level protest.
2. An untimely protest will not be considered under the significant issue exception to the bid protest timeliness rules where the issues raised are not of widespread interest to the procurement community.

DECISION

Lewis & Michael, Inc., and United Moving and Storage, Inc., a Joint Venture, (L&MI), protest the award of a contract to Relocation Advisors, Inc., under invitation for bids (IFB) No. F33601-87-B-9032, issued by the United States Air Force for the storage and movement of personal and household goods of service members. L&MI contend that Relocation does not hold the necessary operating authority to perform the contract, that Relocation falsely certified that it had the necessary operating authority, that Relocation failed to disclose its affiliation with another bidder, and that Relocation had engaged in collusive bidding.

We dismiss the protests.

L&MI initially filed an agency-level protest of the issues which are the subject of the instant protest to our Office. By letter received by the protester on February 18, 1988, the Air Force denied L&MI's protest and, on March 7, awarded a contract to Relocation. L&MI filed its protest of the award to Relocation with our Office on April 28.

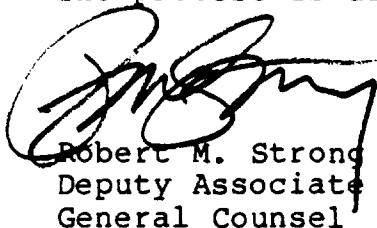
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Our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(3) (1988), provide that when a protest is initially filed with a procuring agency, any subsequent protest to our Office must be filed within 10 working days of knowledge of initial adverse agency action. Singapore Aircraft Industries, B-229751, Dec. 30, 1987, 87-2 CPD ¶ 647. Here, L&MI's 10 working days began on February 18, 1988, when it received the Air Force's denial of its agency-level protest. Since L&MI's protest was received in our Office nearly 2 months after it was notified that its agency-level protest had been denied, its protest to our Office is untimely and will not be considered on the merits.

L&MI asked that we consider its protest under the "significant issue" exception to our timeliness Regulations, 4 C.F.R. § 21.2(b). We apply this exception only where the protest raises issues of first impression that would have widespread significance to the procurement community. Microeconomic Applications, Inc.--Reconsideration, B-229749.3, Apr. 26, 1988, 88-1 CPD ¶ ____. The matters to which L&MI objects are not significant issues under this standard because they have been previously considered. See Lewis & Michael, Inc., B-215134, May 23, 1984, 84-1 CPD ¶ 565; Aleman Food Service, Inc., B-223959, Aug. 28, 1986, 86-2 CPD ¶ 238.

In any event, we do not consider allegations of collusive bidding or of false statements in violation of 18 U.S.C. § 1001 (1982). Such allegations, being criminal in nature, are outside the scope of our bid protest function and should be referred to the Attorney General. See King-Fisher Co., B-228316, B-228309, Oct. 13, 1987, 87-2 CPD ¶ 353; Canadian General Electric Co., Ltd., B-223934.2, July 10, 1987, 87-2 CPD ¶ 29.

The protest is dismissed.



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